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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,153	10/29/2003	Andrew James Retsema	US20030321	9840
173 7590 07/31/2007 WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			EXAMINER STINSON, FRANKIE L	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,153

Applicant(s)

RETSEMA

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-25 is/are rejected.
- 7) ☒ Claim(s) 8-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. . Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Braden et al. (U. S. Pat. No. 3,292,645) or Given et al. (U. S. Pat. No. 2,958,91) in view of either Tilton et al. (U. S. pat. No. 6,539,955 or Japan'107 (Japan 2000-126107).

Re claims 1, 16 and 25, note the Braden and Given are each cited disclosing a dishwasher comprising:

a washtub comprising a rear wall, bottom wall, and sidewalls, with the walls collectively forming an open-faced wash chamber;

a support frame having a front-facing opening intermediate a support frame upper portion and a support frame lower portion, and the wash tub is mounted to the support frame such that the open-faced wash chamber is in communication with the front-facing opening, and a motor cavity with a front-facing motor cavity opening is defined intermediate the wash tub bottom wall and the support frame lower portion;

an access panel (see fig. 6 in Given and 156 in Braden) covering the motor cavity opening; and

a sound attenuator (col. 8, lines 3-11 in Given and col. 4, lines 33 –37 in Braden) comprising a sound barrier element (respective outside panels) and a sound absorbing element (166, 168 in Given and 160 in Braden) and the sound attenuator being inserted into the motor cavity opening that differs from the claims only in the recitation of the, the sound attenuator extending along a bottom portion of the motor cavity and against a side portion of the motor cavity and substantially closing the motor cavity opening to attenuate the sound emanated from the motor. Japan'107 and Tilton (col. 3, lines 53-65) are each cited disclosing the arrangement of providing sound attenuator under the motor cavity as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the sound attenuator in either Given or Braden, to also extend beneath the motor cavity as taught by either Japan'107 or Tilton, for the purpose of completely enclosing the cavity with sound attenuation material, thereby deadening any noise or sound that leaks pass the sound attenuating means (166, 168 in Given or 160 in Braden) and since Tilton discloses that the attenuator may have different configurations. Re claims 2-7, to have the sound attenuator to be as claimed is deemed to be of little patentable weight in view of the corresponding features in the applied prior art. This is also applicable to the subject matter of claims 17-24.

3. Claims 8-15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Mori, Kaldenberg, Becker et al., Saruta, France'196, Nakanishi et al., Germany'002, Burns, Weir and Flowers, note the dishwasher and noise attenuation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746